UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,507	11/13/2001	Kaushik Barde	PD201127 (ONET 0103 PUS)	6474

			EXAMINER
7590	07/19/2005		SHINGLES, KRISTIE D

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ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5-7 and 9-17* is/are pending in the application.

   4a) Of the above claim(s) *2,4 and 8* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-7 and 9-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant has amended claims 1, 7, 10 and 11. Claims 2, 4 and 8 have been cancelled.

Claims 1, 3, 5-7 and 9-17 are pending.

Claim Objections

1.   Per claim **10**, the proposed typographic correction filed 4/26/2005 has been accepted by the Examiner. Correction of the claim language will not be held in abeyance.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 7 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3.   Claim **3** is objected to because of the following informalities: claim 3 is dependent on cancelled claim 2. Appropriate correction is required (In order to expedite the examination process, it will be assumed that claim 3 is dependent on claim 1).

Claim Rejections - 35 USC § 112, second paragraph

4.   Claim **3** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. Claim 3 recites the limitation "said group of user terminals" in line 2 of the claim.

There is insufficient antecedent basis for this limitation in the claim. Clarification and/or

correction are required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims **1, 5-7 and 9-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Powell et al [US 2002/0073167] in view of *Marks et al* (USPN 6,463,447).

        a.   **Per claim 1,** *Powell et al* teach the a server load reduction system including a

master URL containing data comprising:

- a proxy server comprising a proxy server cache and a distribution mechanism,
  said proxy server adapted to receive the data from the master URL, said proxy
  server comprising logic operative to record the data in a proxy server cache, said
  proxy server further comprising a distribution mechanism for automatically
  distributing the data to a client group of computers when said proxy server
  contains all of the data [paragraphs 0011, 0016, 0030-0033, 0100, 0134 and
  0177];

- a multicast server loading the data in response to notification by said proxy server
  to load the data when said proxy server contains all of the data [paragraph 0012,
  0063, 0153-0155];

- a multicast server client storage location comprising a browser cache receiving the data from said multicast server and storing the data in said browser cache for access by said group of computer users [paragraphs 0047, 0051, 0063]; and

- a proxy browser adapted to conduct a browse operation to request the data contained in the master URL, said browse operation conducted through said proxy server, said proxy browser containing logic operative to notify said multicast server to load the data to said client group of computers when said proxy server contains all of the data and when said client group of computers have received a command from the proxy browser to load the data [paragraphs 0011, 0016, 0030-0033, 0061-0063, 0134].

Yet *Powell et al* fail to explicitly teach a multicast server. However, *Marks et al* disclose a network operations center comprising a middleware server, a master proxy server and multicast server in communication with the web cache, data storage and local server (col.6 line 22-col.7 line 46, col.13 line 64-col.14 line 20, col.15 line 65-col.16 line 15, col.18 lines 11-28, col.18 line 57-col.19 line 7 and col.20 line 23-col.21 line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Powell et al* and *Marks et al* for the purpose of distributing the duties of the servers and proxies, wherein multicasting would be performed by one particular server and would therefore reduce the overhead and concentrated duties on the other servers and proxies.

b.   **Claims 7 and 11** contain limitations that are substantially similar to claim 1 and are therefore rejected under the same basis.

c.   **Per claim 5,** *Powell et al* and *Marks et al* teach the server load reduction system according to claim 1, as applied above, yet fail to explicitly teach the system wherein the data is transferred to said client from said proxy server through a SERGE transport system—a reliable information transfer system for multicast system. However, *Marks et al* (col.7 lines 4-16) and

Powell et al [paragraphs 0011-0012, 0034, 0052 and 0110] do teach the use of transferring multicast information over multicast channels with the use of IP Multicast transport protocols, which therefore comprises a SERGE transport system.

   d.   **Per claim 6,** *Powell et al* and *Marks et al* teach the server load reduction system according to claim 1, *Powell et al* further teach the system of claim 1 wherein said proxy server further comprises logic operative to signal said proxy server to update said proxy server cache when the data is modified [paragraphs 0055, 0091, 0097, 0119, 0148, 0164, 0192 and 0234].

   e.   **Per claim 9,** *Powell et al* and *Marks et al* teach the method according to claim 7, *Powell et al* further teach the method wherein notifying further comprises notifying a second client server when said proxy server contains all of said data [paragraphs 0237-0248].

   f.   **Per claim 10,** *Powell et al* and *Marks et al* teach the method according to claim 7, *Powell et al* further teach the method comprising the step of updating said proxy server to contain substantially current master URL data [paragraphs 0192 and 0234-0236; and *Marks et al* col.6 lines 42-64 and col.15 line 65-col.16 line 15].

   g.   **Claim 17** is substantially similar to claims 9 and 10 and is therefore rejected under the same basis.

   h.   **Per claim 12,** *Powell et al* and *Marks et al* teach the method according to claim 11, *Marks et al* further teach the method wherein requesting said unicast portion of said data contained in said master URL further comprises requesting said unicast portion of said data contained in master URL for use by a second client (col.6 line 61-col.7 line 3, col.8 lines 42-67 and col.13 line 56-col.14 line 20).

i.   **Per claim 13,** *Powell et al* and *Marks et al* teach the method according to claim

12, *Marks et al* further teach the method wherein requesting said multicast portion of said data

contained in said master URL further comprises requesting said multicast portion of said data

contained in said master URL for use by said second client (col.8 lines 42-67 and col.10 lines 10-

65).

j.   **Per claim 14,** *Powell et al* and *Marks et al* teach the method according to claim

11, *Marks et al* further teach the method comprising downloading said multicast portion of said

data to said first client server (col.3 lines 59-65, col.7 lines 4-32, col.19 lines 53-67 and col.20

line 43-col.21 line 4).

k.   **Per claim 15,** *Powell et al* and *Marks et al* teach the method according to claim

11, *Powell et al* further teach the method wherein notifying said first client server when said

proxy server contains all of said unicast portion of said data further comprises notifying said

second client server when said proxy server contains all of said unicast portion of said data

[paragraphs 0176-0177, 0210 and 0240-0248].

l.   **Claim 16** is substantially similar to claims 14 and 15 and is therefore rejected

under the same basis.

7.   Claim **3** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Powell et al* and

Marks et al in view of *Brendel et al* (USPN 5,774,660).

      Per claim 3, *Powell et al* and *Marks et al* teach the system of claim 1 as applied

above, *Powell et al* teach the use of standard web browsers [paragraph 0061], yet fails to

explicitly teach the server load reduction system according to claim 1 wherein at least two

members of said group of user terminals operate different web browser programs. However, *Brendel et al* disclose use of different browsers accessed by the client users in the load-balancing distributed resource multi-node network (col.2 lines 9-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Powell et al, Marks et al* and *Brendel et al* for the purpose of extending the compatibility of the system to support various types of web browsers; because it would accommodate client users operating different types of browser programs.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Dillon et al* (USPN 6,658,463), *Basani et al* (USPN 6,748,447), *Garcia-Luna-Aceves et al* (US 2002/0010737) and *Tucker et al* (US 2004/0049598).

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (or after July 15, 2005, new fax number will be 571-273-8300).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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